IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

CRIMINAL APPLICATION NO. 2526 OF 2006.

Shri Mayur Pravin Mehta ... Applicant
V/s
The State of Maharashtra ..Respondent.

Shri A.H.H. Ponda for the applicant.
Mrs. M.M. Deshmukh, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Heard Mr. Ponda appearing for the applicant and Mrs. Deshmukh appearing for respondent.

2. The applicant has been arrested on 25th May, 2006 in connection with CR.No. 17/2006 registered at Yellow Gate Police Station, Mumbai for the offences punishable under Sections 465, 467,468, 471, 420 r/w section 34 of Indian Penal Code.

3. The allegation is that one consignment was imported from china by one Raju Doshi. The applicant purported to represent as his clearing and forwarding agent. He allowed said Raju Doshi to obtain clearance of the goods without furnishing bank guarantee, original bill of lading but by producing xerox copies of the

relevant documents.

4. The complainant has therefore, charged said Raju Doshi and the applicant for acting in collusion and upon the strength of forged and fabricated and so also bogus documents obtain clearance of the goods which were imported from China. The original bill of lading is supposed to be handed over by the complainant-company. The consignment was supplied from abroad and the owner was to get goods after their release by the complainant company upon production of original documents. However, the importer acting in collusion with the applicant and on the strength of the xerox copies of the relevant documents obtained the delivery of goods and appropriated the goods.

5. It is contended by Shri Ponda that the applicant has been in custody for past more than 2 months. He has been interrogated fully. The relevant documents have been seized with the help of the complainant and the other parties.

6. It is his case therefore, that the applicant be enlarged on bail, more so when he is a young man aged 27

years having firm roots in the society without any criminal antecedents.

7. On the other hand, the learned APP, Mrs. Deshmukh submits that further investigation is going on and the chargesheet would be filed expeditiously. She submits that as far as the applicant is concerned, unless he is interrogated in custody the other material cannot be traced. Similarly the charge is serious in as much as the applicant has without any licence represented himself to be a clearing and forwarding agent, manipulated and forged documents and obtained delivery. He does not deserves to be enlarged on bail, as the offences are serious and grave in nature.

8. Having perused the annexures to the application, including the statements of the complainant and considering the fact that the applicant had applied for bail before the trial Court but the application was dismissed on two occasions and further considering the role of the applicant being only taking documents (zerox copies) and obtaining delivery so also there being no antecedents, the applicant deserves to be enlarged on bail with stringent conditions. Hence the following

order-

i) The applicant arrested in connection with CR.No. 17/2006 registered with Yellow Gage Police Station, Mumbai shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer twice in a week initially for a period of two months and subsequently before the trial Court till the conclusion of the trial.

iii) The applicant shall surrender his pass port to the trial Court.

iii) The applicant shall also surrender all relevant and necessary documents including licence, if any pertaining to the clearing and forwarding business.

iv) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and

address where he proposes to stay after he is enlarged on bail. The applicant also to furnish the details of office premises and bank account. The applicant will not change his residential address thereafter till the conclusion of the trial without prior intimation to the Investigating officer.

v) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vi) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

ix) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)